

मसाधारण EXTRAORDINARY

भाग 🌃--खण्ड 2 PART II-Section 2 प्राधिकार से प्रकाशित

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मई विल्ली, मंगलबार, फरबरी 23, 1988/फाल्गुम 4, 1909

[No. 1]

NEW DELHI, TUESDAY, FEBRUARY 93, 1988/PHALGUNA 4, 1909

इस भाग में भिन्न पृष्ठ संख्या वी जाती है जिससे कि यह अलग संकलन के रूप में रक्ताका सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 23rd February, 1988 -

BILL No. II of 1988

A Bill further to amend the Delhi Municipal Corporation Act, 1957.

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:--

1. (1) This Act may be called the Delhi Municipal Corporation (Amendment) Act, 1988.

Short title and commencement.

- (2) It shall be deemed to have come into force on the 24th day of
- December, 1987.

66 of 1957.

2. In the Delhi Municipal Corporation Act, 1957 (hereinafter referred to as the principal Act), in sub-section (1) of section 4, for the proviso, the following proviso shall be substituted, namely:—

Amondment of section 4.

"Provided that the Central Government may by notification in the Official Gazette, extend for reasons to be specified in the notification, the term of office of all the councillors and aldermen by such period not exceeding one year at a time as it thinks fit, so, however, that the total period so extended shall not exceed three years.".

Ord. 9 of 1987.

3. (1) The Delhi Municipal Corporation (Second Amendment) Ordinance, 1987 is hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The issue of multiplicity of institutions in Delhi has been engaging the attention of the Government for some time past. This matter is required to be examined taking into consideration the totality of circumstances and all the relevant factors. The large number of authorities viz., the Metropolitan Council, the Municipal Corporation of Delhi, the New Delhi Municipal Committee, the Delhi Development Authority, the Delhi Electric Supply Undertaking, the Delhi Transport Corporation, the Delhi Milk Scheme, etc., have in course of time tended to assume overlapping functions. A Committee headed by Justice R. S. Sarkaria has been constituted to go into the various issues connected with the administration of the Union territory of Delhi including the drawbacks, if any, in the efficient functioning of the existing administrative and municipal authorities in Delhi, the nature and extent of overlapping of their functions and for making recommendations regarding rationalisation of the administrative and municipal set up with a view to ensuring efficiency and effectiveness in the functioning of various authorities, avoiding overlapping of functions and securing all-round improvement in providing services to the public. The Committee may also recommend amendments to existing laws and make other suggestions considered necessary for the purpose. Pending the receipt of the recommendations of the Committee and a decision thereon, it was considered expedient to take power to extend the term of office of all the councillors and aldermen of the Municipal Corporation of Delhi for a period not exceeding one year at a time, so, however, that the total period so extended shall not exceed three years. To achieve this object, the President promulgated the Delhi Municipal Corporation (Second Amendment) Ordinance, 1987, on the 24th December, 1987.

2. The Bill seeks to replace the aforesaid Ordinance.

NEW DELHI; The 11th February, 1988.

CHINTAMANI PANIGRAHI.

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BILL No. I OF 1988

A Bill further to amend the Delhi Administration Act, 1966.

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Delhi Administration (Amendment) Act, 1988.

Short title and commence. ment.

- (2) It shall be deemed to have come into force on the 24th day of December, 1987.
 - Amended ment of section 10.

2. In section 10 of the Delhi Administration Act, 1966 (hereinafter referred to as the principal Act), in the proviso, for the words "Provided that the said period", the following shall be substituted, namely:—

"Provided that the Central Government may, by notification in the Official Gazette, extend the said period for reasons to be specified in the notification by such period not exceeding one year at a time as it thinks fit, so, however, that the total period so extended shall not exceed three years:

Provided further that the said period or extended period".

Ord. 10 of 1987.

19 of 1966.

3. (1) The Delhi Administration (Amendment) Ordinance, 1987, is hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The issue of multiplicity of institutions in Delhi has been engaging the attention of the Government for some time past. This matter is required to be examined taking into consideration the totality of circumstances and all the relevant factors. The large number of authorities viz., the Metropolitan Council, the Municipal Corporation of Delhi, the New Delhi Municipal Committee, the Delhi Development Authority, the Delhi Electric Supply Undertaking, the Delhi Transport Corporation, the Delhi Milk Scheme, etc., have in course of time tended to assume overlapping functions. A Committee headed by Justice R. S. Sarkaria has been constituted to go into the various issues connected with the administration of the Union territory of Delhi including the drawbacks, if any, in the efficient functioning of the existing administrative and municipal authorities in Delhi, tht nature and extent of overlapping of their functions and for making recommendations regarding rationalisation of the administrative and municipal set up with a view to ensuring efficiency and effectiveness in the functioning of various authorities, avoiding overlapping of functions and securing all-round improvement in providing services to the public. The Committee may also recommend amendments to existing laws and make other suggestions considered necessary for the purpose. Pending the receipt of the recommendations of the Committee and a decision thereon, it was considered expedient to take power to extend the term of the Metropolitan Council for a period not exceeding one year at a time, so, however, that the total period so extended shall not exceed three years. To achieve this object the President promulgated the Delhi Administration (Amendment) Ordinance, 1987, on the 24th December, 1987.

2. The Bill seeks to replace the aforesaid Ordinance.

New Delhi; The 11th February, 1988.

CHINTAMANI PANIGRAHI.

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BILL NO. V OF 1988

A Bill further to amend the Major Port Trusts Act, 1963.

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

- 1. (1) This Act may be called the Major Port Trusts (Amendment) Act, 1988.
- (2) It shall be deemed to have come into force on the 28th day of January, 1988.

Short title and commencement.

Amend-

ment of section

88.

38 of 1963.

- 2. In section 88 of the Major Port Trusts Act, 1963 (hereinafter referred to as the principal Act),—
 - (a) in sub-section (2),—
 - (i) in the opening portion, for the words "All moneys standing at the credit of the Board", the words "Subject to such general or special directions as the Central Government may, for the purpose of maintenance or development of major ports in the country or generally for the development of shipping and navigation, give in this behalf, all moneys standing at the credit of the Board" shall be substituted;

- (ii) in clause (a), for the words "scheduled bank or banks", the words "corresponding new bank or banks" shall be substituted;
 - (iii) in clause (b), the word "or" shall be added at the end;
- (iv) after clause (b), the following clause and Explanation shall be inserted, namely:—
 - '(c) be given as a loan to the Board of another port for the development of that port.

Explanation.—For the purposes of this sub-section, "corresponding new bank" means a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.";

5 of 1970, 40 of 1980.

- (b) after sub-section (2), the following sub-sections shall be inserted, namely:—
 - "(3) Every direction issued by the Central Government under sub-section (2) shall be complied with by the Board and shall not be called in question in any court on any ground.
 - (4) No suit or other legal proceeding shall lie against the Central Government, the Board or any officer or other employee of the Board authorised by it in this behalf for any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any direction issued under sub-section (2)."

Ropcal and saving. 3. (1) The Major Port Trusts (Amendment) Ordinance, 1918 to hereby repealed.

Ord. 1 of 1988.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Sub-section (2) of section 88 of the Major Port Trusts Act, 1963, inter alia, provides that the moneys standing at the credit of the Board, which cannot immediately be applied in the manner or for the purposes specified in sub-section (1), shall be deposited in the State Bank of India or a scheduled bank or banks or invested in public securities or such other securities as the Central Government may approve in this behalf. However, there is no provision in this section whereby the surplus moneys standing at the credit of a Board can be given as loans to the Board of another port. Further, the concept of pooling of resources of all ports for port development is a part of the accepted national policy. In the Approach Paper to the Seventh Five Year Plan 1985--90, which was approved by the National Development Council and also presented to Parliament, it has been stated that the resources of all ports should be pooled for the development of the port sector. This policy has been reiterated in the Seventh Five Year Plan Document 1985-90. All the ports are not equally placed so far as generation of surplus funds is concerned and some ports are more advantageously placed than the others. It has, therefore, become a matter of necessity that the Central Government, being in charge of all the major ports, should have the authority to pool the resources of all the major ports and deploy surplus funds in the development of ports all over India. In order to give effect to this policy, it is necessary to amend suitably section 88 of the Major Port Trusts Act, 1963 so as to provide that surplus funds standing at the credit of ports can be deployed subject to the general or special directions of the Central Government which may be given for the purpose of maintenance or development of major ports in the country or generally for the development of shipping and navigation. As it was urgently necessary to divert some funds to the Board of a new major port trust, an Ordinance was promulgated by the President on the 28th January, 1988 to amend the Major Port Trusts Act, 1963 and for certain other consequential amendments.

2. The Bill seeks to replace the aforesaid Ordinance.

New Delhi; The 12th February, 1988. RAJESH PILOT.

SUDARSHAN AGARWAL. Secretary-General.